

REMARKS

Applicant thanks Examiner Lee for the telephone conference on May 5, 2005 and for his thoughtful consideration of this case. This Application has been carefully reviewed in light of the first Office Action mailed February 8, 2005. To clarify various aspects of inventive subject matter, Applicant amends Claims 1, 8, 11, 13-14, 18, 24, 27, 33-34, 36, 41, and 43. Applicant also introduces new Claims 48-74 and cancel Claims 3-6, 12, 15-16, 19-23, 26, 28-32, 37-40, 42, and 44-46 and without prejudice or disclaimer. To advance prosecution of this application, Applicant has responded to each notation by the Examiner. Applicant submits that all of the pending claims are allowable over the cited references. Applicant respectfully requests reconsideration, further examination, and favorable action in this case.

Claim Objection

The Examiner objects to Claim 36 because of various informalities. Applicant has amended Claim 36 to address the informality identified by the Examiner. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. §112 ¶2

The Examiner rejects Claims 24-26, 41, and 44-46 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has cancelled Claim 46 and has amended Claims 24-26, 41, and 44-45. Applicant believes these amendments do not narrow the scope of the claims, but address the Examiner's rejections under §112. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Applicant's attorney conducted a telephonic conference with Examiner Lee on May 5, 2005. Pursuant to M.P.E.P. §713.04, Applicant submits this summary of the telephonic interview to record Applicant's understanding of the substance of the interview. If Applicant's understanding is inaccurate, notice of such is appreciated.

During the interview, Applicant and the Examiner discussed U.S. Patent No. 5,796,504 issued to Sonderegger et al. ("*Sonderegger*"), U.S. Patent No. 6,826,368 issued to Koren et al. ("*Koren*"), and independent Claims 1, 18, and 36. Applicant understands that independent Claims 1, 18, and 36 and all claims depending therefrom are allowable over *Sonderegger*, subject to an updated search by the Examiner. Applicant further understands that no agreement was reached with respect to *Koren*.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 1-2, 5, 7, and 11-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,796,504 by Sonderegger et al. ("*Sonderegger*"). The Examiner also rejects Claims 1-3, 5, 7-9, 11-12, 15-19, 21, 23-25, 27-28, 30-33, 35-38, 40-42, and 44-47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,826,368 by Koren et al. ("*Koren*"). Applicant respectfully traverses these claim rejections for the reasons discussed below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he elements *must* be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (emphasis added).

a. All claims are patentable over *Sonderegger*

Among other features, amended independent Claim 1 recites, in part, that at least one of the plurality of integrated modules comprises "one or more transmitters each operable to generate an optical signal and to modulate information onto the optical signal to form a modulated optical output signal, each modulated optical output signal comprising a first optical signal wavelength." Amended Claim 1, also recites that the integrated module also comprises "one or more receivers each operable to receive an input optical signal, each input optical signal comprising a second optical signal wavelength, wherein each first optical signal wavelength is different than each second optical signal wavelength."

As discussed during the interview, independent Claim 1 recites, in part, “one or more transmitters each operable to generate an optical signal and to modulate information onto the optical signal to form a modulated optical output signal, each modulated optical output signal comprising a first optical signal wavelength.” Claim 1 also recites, in part, that “one or more receivers each operable to receive an input optical signal, each input optical signal comprising a second optical signal wavelength, wherein each first optical signal wavelength is different than each second optical signal wavelength.” As discussed during the interview, *Sonderegger* contains no disclosure of at least these elements. For at least these reasons, Applicant respectfully requests withdrawal of the rejections and full allowance of amended Claim 1 and all claims depending therefrom.

Applicant submits that amended independent Claims 18 and 36 are patentable over *Sonderegger* for reasons analogous to those discussed above. Thus, Applicant respectfully request withdrawal of the rejection and full allowance of amended Claims 18 and 36, and all claims depending therefrom.

b. All claims are patentable over *Koren*

Among other features, amended independent Claim 1 recites, in part, “a plurality of integrated modules operable to transmit and receive a plurality of optical signal wavelengths.” Claim 1 also recites, in part, “a controller coupled to at least some of the plurality of integrated modules, the controller operable to generate a control signal based at least in part on a scheduling algorithm, wherein the at least some of the plurality of integrated modules use the control signal to reduce contention between the plurality of integrated modules.”

Koren fails to teach or suggest a number of elements of amended Claim 1. For example, nowhere does *Koren* contemplate a controller coupled to at least some of the plurality of integrated modules, the controller operable to generate a control signal based at least in part on a scheduling algorithm and to communicate the control signal to the at least some of the plurality of integrated modules, where the at least some of the plurality of integrated modules use the control signal to reduce contention between the plurality of integrated modules. Consequently, *Koren* fails to teach or suggest an optical communication device that includes “a controller coupled to at least some of the plurality of integrated

modules, the controller operable to generate a control signal based at least in part on a scheduling algorithm and to communicate the control signal to the at least some of the plurality of integrated modules, wherein the at least some of the plurality of integrated modules use the control signal to reduce contention between the plurality of integrated modules."

Applicant submits that amended independent Claims 18 and 36 are patentable over *Koren* for at least the reasons discussed above. Thus, Applicant respectfully request withdrawal of the rejection and full allowance of amended Claims 18 and 36, and all claims depending therefrom.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claims 4, 20, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Koren* in view of U.S. Patent 4,941,747 by Dakin ("*Dakin*"). Claims 6 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Koren*. The Examiner also rejects Claims 6 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Koren* in view of U.S. Patent 6,356,544 B1 by O'Connor ("*O'Connor*"). Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Koren* in view of U.S. Patent 6,525,850 B1 by Chang et al. ("*Chang*"). Applicant has cancelled Claims 4, 6, 20, 22, 29, and 39, rendering these rejection moot.

No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the *Sonderegger* and *Koren* references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

CONCLUSION

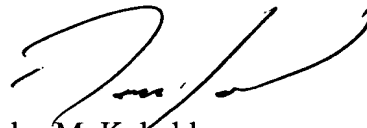
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

Applicant believes no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If the Examiner feels that a conference would advance prosecution of this Application in any manner, Douglas M. Kubehl stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Kubehl may be reached at (214) 953-6486.

Respectfully submitted,

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